

DEC 14 2004 4:46PM

513 241 6234

RECEIVED
CENTRAL FAX CENTER

DEC 14 2004

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, Ph.D.

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202-2917
Telephone: 513-241-2324
Facsimile: 513-241-6234
EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1988
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, Ph.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, Ph.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
WESLEY L. STRICKLAND*
STEVEN W. BENINTENDI, Ph.D.
RANDALL S. JACKSON, JR.

OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN

FACSIMILE COVER SHEET

If transmission is interrupted or of poor
quality, please notify us immediately by
calling 513 \ 241-2324.
Ask for sender's secretary.

* ADMITTED ONLY IN D.C. AND VA

TO: The Honorable Commissioner
Attention: Maureen Wallenhorst
Art Unit 1743

FROM: David H. Brinkman

Fax No.: (703) 872-9306

Phone: (513) 241-2324

Date: December 14, 2004

Fax: (513) 241-6234

Pages (including cover page): 22

Re: U.S. Serial No. 09/994,458 AUTOMATED TISSUE STAINING SYSTEM AND
REAGENT CONTAINER
Attorney Docket No. LABV-04

ATTACHMENTS/COMMENTS: OFFICIAL
Please deliver to Maureen Wallenhorst
Amendment Transmittal (3 pages) (in duplicate)
Amendment (15 pages)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted
to the Patent and Trademark Office centralized facsimile number (703)
872-9306 on the date shown below.


David H. Brinkman

December 14, 2004

**RECEIVED
CENTRAL FAX CENTER****DEC 14 2004****Certificate of Facsimile**

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Maureen Wallenhorst whose telephone number is (571) 272-1266 and centralized facsimile number is (703) 872-9306 on December 14, 2004.


David H. Bankman, Reg. No. 40,53212/14/04
Date**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Tseung et al.
Serial No.: 09/994,458
Filed: November 26, 2001
Confirmation No.: 9498
Group Art Unit: 1743
Examiner: Wallenhorst, Maureen
Title: **AUTOMATED TISSUE STAINING SYSTEM AND REAGENT
CONTAINER**
Atty Docket: LABV-04

Cincinnati, Ohio 45202

December 14, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.
2. ☐ Small Entity status is claimed.
☒ Other than a Small Entity.
3. The fee has been calculated as shown below:

Page 1 of 3

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	20	MINUS	37	= 0	x \$25	\$0	x \$50	\$0
INDEP.	4	MINUS	7	= 0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180	\$0	+ \$360	\$0
TOTALS					TOTAL FEE	\$0	TOTAL FEE	\$0

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

X No additional fee for claims is required.

4. Attached is a check in the sum of \$_____.

_____ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a) _____ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
one month	\$ 120.00	\$ 60.00
two months	\$ 450.00	\$225.00
three months	\$1,020.00	\$510.00
four months	\$1,590.00	\$795.00

Attached is a check in the amount of \$____ for the three month extension fee as required by 37 C.F.R. § 1.17(c).

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

____ An extension for ____ months has already been secured and the fee paid thereof of \$____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$____.

OR

(b) XX Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.



David H. Brinkman
Reg. No. 40,532

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 - Voice
(513) 421-7269 - Facsimile

**RECEIVED
CENTRAL FAX CENTER****DEC 14 2004****Certificate of Facsimile**

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Maureen Wallenhorst whose telephone number is (571) 272-1266 and centralized facsimile number is (703) 872-9306 on December 14, 2004.


David H. Brinkman, Reg. No. 40,53212/14/04
Date**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Tseung et al.
Serial No.: 09/994,458
Filed: November 26, 2001
Confirmation No.: 9498
Group Art Unit: 1743
Examiner: Wallenhorst, Maureen
Title: **AUTOMATED TISSUE STAINING SYSTEM AND REAGENT
CONTAINER**
Atty Docket: LABV-04

Cincinnati, Ohio 45202

December 14, 2004

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT

Sir:

In response to the Office Action mailed on September 14, 2004, please amend the above-identified application as follows:

Amendments to the Specification begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 12 of this paper.